

PLANNING BOARD MINUTES

March 11, 2009

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Jan Eckhart Frank Holbrook, Assistant Town Solicitor

Audrey Rearick

Frank Forgue

Richard Adams

Gladys Lavine

Members absent:

Betty Jane Owen

The meeting was called to order at 6:30 pm.

Election of 2009 Planning Board Officers

Nomination by Mr. Forgue, seconded by Ms. Rearick, of Mr. Weber to serve as Planning Board Chairman. Vote: 6-0-0.

Nomination by Mr. Adams, seconded by Mr. Forgue, of Mr. Eckhart to served as Planning Board Vice-Chairman. Vote 6-0-0.

Nomination by Mr. Forgue, seconded by Mr. Eckhart, of Ms. Rearick to serve as Planning Board Secretary. Vote 6-0-0.

Minutes:

Motion by Ms. Rearick, seconded by Mr. Forgue, to approve the minutes of the February 11, 2009 regular meeting. Vote: 6-0-0.

Old Business

1. Segerson, Request for an extension of Final Subdivision Plan approval for the 5-lot subdivision of property located off Green Lane, Plat 105, Lots 4B & 4C.

Attorney Robert Silva, representing the applicant, requested that the Board consider granting an 18-month extension of the subdivision final plan approval. The applicant continues to have difficulty locating a developer interested in addressing the conditions of approval and completing the development.

Motion by Ms. Rearick, seconded by Mr. Forgue, to grant an 18-month extension of the final plan approval subject to the conditions of the original approval and the following additional conditions:

1. The applicant's engineer must confirm, prior to recording, that the plans as approved in June 2005 comply with the current construction site runoff ordinance (Chapter 151) and storm water management ordinance (Chapter 153). If necessary, revised plans and drainage report must be submitted for review and approval.

2. Prior to recording, current estimated costs for all proposed subdivision improvements, including roads and storm water drainage facilities, must be provided for review and approval by the Town Engineer.

2. Renaissance Development Corp. (Burger King), 569 West Main Rd., Plat 107SE. Lot 32, Request for Development Plan Review approval of

proposed exterior renovations to an existing commercial building.

Attorney Robert Silva, representing the applicant, requested a continuance in order to allow him an opportunity to consult with his client regarding the Board's concerns.

Mr. Weber stated that the Board has concerns with the proposal as presented. He offered to meet with the applicant and Mr. Wolanski in order to provide feedback on a revised plan.

Mr. Eckhart stated that the town has adopted commercial development design standards in order to improve the appearance of the commercial areas of town. These standards must be followed. Retrofits of existing buildings should attempt to bring buildings closer to the traditional New England architecture sought by the town.

Mr. Silva stated that there needs to be reasonable accommodation to allow for national corporate branding.

Motion by Mr. Eckhart, seconded by Ms. Rearick, to continue the matter to the April 8, 2009 regular Planning Board meeting. Vote: 6-0-0.

3. Request of the Town Council for additional Planning Board review and recommendation on proposed zoning ordinance amendment regarding wind energy conversion facilities – review of final draft.

Mr. Wolanski stated that the draft ordinance previously approved by the Board had been further revised to allow for installation of wind facilities within the property line setback requirements, provided that the owner to the abutting property grants an easement to limit development in the setback area. This change would allow for more

flexibility in siting turbines on smaller sites, while also providing protection to abutting property owners. The abutter would be aware and approve of the “fall zone” extending onto their property.

Scott Milnes, of Rhode Island Wind Power, stated that the liability insurance that is required by the ordinance should be sufficient to protect abutters. Most abutters will not grant easements, which will limit the ability to install turbines. It should be left to the Zoning Board of Review to determine the appropriate setbacks. There is more likely danger in a turbine throwing a blade than a tower failing. The setbacks as proposed would not provide protection from blade throw.

Mr. Milnes stated that the requirement for a special use permit for facilities that are in excess of 15 feet above the building height limit will inhibit development.

Mr. Wolanski stated that discussion by the previous town council indicated that significant town oversight of wind turbine development was desired. Requiring a special use permit allows for this oversight. Regarding the setback easement requirement, Mr. Wolanski stated that it provides for more flexibility than the previous draft. However, an abutting property owner should not be forced to contest an application before the Zoning Board of Review where an applicant seeks to site a facility where the fall zone extends onto the abutter’s property.

Board members agreed that the oversight and easement requirements provided on the proposed ordinance are appropriate.

Motion by Ms. Rearick, seconded by Mr. Forgue, to forward the

proposed Zoning Ordinance Amendment to the Town Council with a recommendation that it be adopted. Vote: 6-0-0.

4. Review of draft proposed Zoning Ordinance amendment regarding fences.

Mr. Wolanski stated that the proposed ordinance amendment provided to the Board was requested by the Zoning Official, and has been reviewed and revised by the Town Solicitor.

Board members questioned the need for the requirement for a building permit for installation of all fences. There was also concern over the limitation on the height of hedges.

Mr. Wolanski stated that the Zoning Official has indicated that problems have arisen as a result of the lack of permitting and review of new fences.

Mr. Weber suggested that it would be helpful if the Zoning Official could attend the next meeting to discuss the proposal.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue the matter to the April 8, 2009 Planning Board meeting. Vote: 6-0-0.

5. Review of draft proposed Zoning Ordinance amendment creating a mixed-use/limited business overlay zoning district.

Mr. Wolanski stated that the proponent of the amendment, Mr. Shers, had requested a continuance in order that he may meet with staff to discuss concerns with the proposed draft.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue the matter to the April 8, 2009 Planning Board meeting. Vote: 6-0-0.

6. Review of draft proposed Zoning Ordinance amendment to implement incentives to promote creation affordable housing units.

Mr. Wolanski stated that latest draft provided to the Board incorporates suggested changes. Addition suggestions were provided by Peter Gallipeau.

By consensus, the matter was continued to the April 8, 2009 regular meeting, with a special workshop-style meeting to be held on March 26th to review the additional suggestions.

7. Update - Comprehensive Community Plan 5-year update

Mr. Weber stated that the Comprehensive Plan Update committee held its first introductory meeting on February 26th. The first working meeting is scheduled for March 19th . The committee will meet twice monthly to complete review and updating of the plan.

New Business

1. Gary Hooks, proposed 2-lot minor subdivision, 1249 Wapping Rd., Plat 128, Lot 9. Preliminary Plan.

Attorney Alex Walsh, representing the applicant, described to the proposal. The applicant is seeking conditional preliminary approval in order to be able to proceed to the Zoning Board of Review to request the variance need to allow creation of a lot with less than the required lot area. One lot would contain approximately 36,000 sq.ft. where 40,000 sq.ft is required.

Mr. Eckhart asked about the soils conditions and the presence of ledge on the property.

The applicant's engineer, Mike Russell, stated that the soils are adequate for installation of a septic system.

Mr. Adams asked about site storm drainage.

Mr. Wolanski stated that in this situation, where no road construction

is proposed, and proposed development of homes is only conceptual, the site drainage requirements will be addressed at the time that building permits are sought.

Mr. Weber expressed concern over the request for creation of a nonconforming lot. The board has granted conditional approvals only when there is exiting development and no increase in development would result.

Mr. Eckhart stated that applicant should be allowed an opportunity to seek relief for the Zoning Board of Review.

Motion by Mr. Adams, seconded by Mr. Forgue, to grant conditional preliminary plan approval, subject to the applicant being granted necessary relief by the Zoning Board of Review. Vote: 4-2-0 with Mr. Weber, and Ms. Rearick voting in opposition.

2. Dunkin Brands, Inc. (Edward Andrade d/b/a Aquidneck Donuts, Inc.), Request for Development Plan Review approval for proposed renovations to Dunkin Donuts franchise located at 811 West Main Rd. (Plat 107NE, Lot 15).

Attorney Robert Silva, representing the applicant, described the proposal. The applicant is seeking to enhance the appearance of the building. The existing pole sign will be replaced with a sign that meets town requirements. In considering the waivers that are requested the Board should consider the limitations of renovating an existing building. The alternative to the proposed design requested by corporate, would be to simply paint the existing building with the new color scheme.

Mr. Weber stated that he understands the limitations in dealing with

an existing building. He requested that the grids be put in the windows to simulate divided light windows. He is concerned with the proposed façade design.

Ms. Rearick stated that she is not in favor of adding the “towers” as shown on the proposed plan.

Mr. Eckhart stated that the proposed design is not acceptable. The existing building is more attractive. The proposed design is architectural gimmickry and is moving in the wrong direction.

The applicant, Mr. Andrade, stated that as a franchisee he must address the requests of Dunkin’ Donuts. If the plan is denied he will paint the existing building. This would be a less desirable solution.

After additional discussion, the board requested that the applicant consider reducing the height of the proposed towers and design them to have a horizontal top.

Motion by Mr. Adams, seconded by Ms. Rearick, to approve the application subject to the following conditions:

1. The plans must be revised to indicate that each of the two proposed Hardie Plank-sided “towers” shall have a horizontal top, and shall be not greater than 21.5 feet in height.
2. Inserts shall be applied to all windows in order to mimic the appearance of true divided-light windows.

Vote: 5-1-0 with Mr. Eckhart voting in opposition.

Motion by Ms. Rearick, seconded by Mr. Forgue, to adjourn. Vote: 6-0-0

The meeting adjourned at 8:40pm